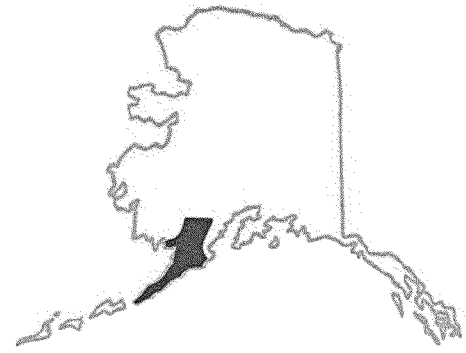




Lake and Peninsula Borough

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December 4, 2010

Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Ms. Jackson:

On behalf of the Lake and Peninsula Borough, I am writing to urge you not to use authority under Section 404(c) of the Clean Water Act to *preemptively* prohibit wetland fill within Bristol Bay. Such a move would disrespect science and could provide a death blow to our villages.

Background: Lake and Peninsula Borough. The Lake and Peninsula Borough is the local government that includes the area of the potential Pebble Mine. The Borough's 2009 population was approximately 1,500 people. Seventy percent of our population is Alaskan Native, spread out through almost 24,000 square miles and 17 villages. The Borough is the only local government that includes the potential mine area.

Our Borough and its villages are losing population. The Borough lost over 18% of its people since the 2000 census. The Village of Ivanof Bay lost its school and the village closed over a decade ago. No one lives in that once-thriving village. Last week, the school closed at Pedro Bay for lack of students. Other villages are in similar danger.

Our people rely on fishing, both culturally and economically. Any development that will significantly harm the fish and wildlife in our Borough is a threat to our way of life and economy, and will be opposed by the people and the Borough. Yet, our people can no longer survive solely on a commercial fishing and subsistence economy. If we cannot provide other jobs for our population, our villages cannot thrive.

Please know that the Borough will never trade off fish for a mine. However, the state of our villages and local economy gives us the responsibility to evaluate all proposals objectively and using the best science and information available.

A Preemptive Decision Disrespects Science. Tens of millions of dollars of scientific information has been gathered for the mine. Most of it has not yet been released to the public nor to EPA. Some remains to be gathered. There is no reason to make a decision before the scientific information is available. EPA's 404 authority will be just as valid after the scientific information is available as it will today.

Chignik Bay • Chignik Lagoon • Chignik Lake • Egegik • Igiugig • Iliamna • Ivanof Bay • Kokhanok • Levelock • Newhalen • Nondalton •
Pedro Bay • Perryville • Pilot Point • Pope Vannoy • Port Alsworth • Port Heiden • Ugashik

In addition, much remains unknown about the proposed Pebble Project. The project's design is unknown. We do not know the extent of wetland impacts, social and environmental effects, nor the extent of possible mitigation measures.

Specifically, Section 404(c) offers no protections beyond those that are included in the more typical 404(b)(1) permitting process. The regulations that implement the two parts of the Clean Water Act are essentially the same prohibitions and require essentially the same analysis. The only difference is that a decision made today will be made without the millions of dollars of scientific information that will be available through the permitting process. A decision made today is a decision that scientific information is unnecessary.

A Potential Death Blow to the Native Villages. The wetlands at the Pebble Site do not appear to be substantively different from wetlands elsewhere in the Borough. Other wetlands in the Borough are functionally similar and are within the same drainages. We cannot see how a pre-emptive prohibition to Pebble-area wetlands could avoid restricting fill into similar wetlands elsewhere in the Borough. An area-wide prohibition would inevitably make it more difficult to build roads, airport extensions, or other development in the Borough. These are needed developments to decrease the high cost of village living and provide jobs to sustain our population and economy. Should a prohibition restrict development in the Borough, it would be a potential death blow to our villages.

A decision made today runs the risk of creating this problem. A decision made during the permit process will apply only to that permit area.

Conclusion. For all these reasons, we urge you to avoid a pre-emptive decision on the Pebble Mine Project. Rather, we urge that you consider the issue during the permit/EIS process once the scientific information is available, and once a mine design has been submitted. At that time, if the data shows that the mine will hurt the fish populations or cause unacceptable social or environmental impacts, we will urge EPA to use its authority to deny the permits. However, we will make our decision after looking at all the scientific evidence. We urge you to do the same.

Sincerely,

A handwritten signature in dark ink, appearing to read "Glen Alsworth". The signature is stylized with a large, looped "G" and a prominent "A".

Glen Alsworth, Mayor
Lake and Peninsula Borough

cc: Senator Lisa Murkowski
Senator Mark Begich
Governor Sean Parnell